UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

THIRD COMMITTEE
48th meeting
held on
Friday, 22 November 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 48th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

CONTENTS

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)

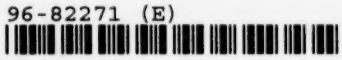
(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/51/SR.48
25 August 1997
ENGLISH
ORIGINAL: FRENCH

96-82271 (E)



The meeting was called to order at 10 a.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/51/3 (Parts I and II), A/51/81, A/51/87, A/51/90, A/51/114, A/51/208-S/1996/543, A/51/210, A/51/462-S/1996/831; A/C.3/51/9)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/201, A/51/395, A/51/453 and Add.1, A/51/457, A/51/480, A/51/506, A/51/536, A/51/539, A/51/542 and Add.1 and Add.2, A/51/552, A/51/555, A/51/558, A/51/561, A/51/641, A/51/650, A/51/153, A/51/170, A/51/290, A/C.3/51/6)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/51/347, A/51/459, A/51/460, A/51/466, A/51/478, A/51/479, A/51/481, A/51/483 and Add.1, A/51/490, A/51/496, A/51/507, A/51/538, A/51/556, A/51/557, A/51/651, A/51/657, A/51/660, A/51/663, A/51/665, A/51/483/Add.2, A/51/496/Add.1, A/51/80-S/1996/194, A/51/189, A/51/203-E/1996/86, A/51/204, A/51/271, A/51/532-S/1996/864, A/C.3/51/3, A/C.3/51/8, A/C.3/51/10, A/C.3/51/11, A/C.3/51/12, A/C.3/51/13, A/C.3/51/15, A/C.3/51/16)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. SHAH (India) said that, in many countries, the human rights situation had not improved much since the Commission's work on the subject in 1995. Some countries continued to violate civil and political rights, while others refused to recognize economic rights or persisted in politicizing human rights issues and resorting to selectivity, thus distorting the principle of the universality, indivisibility and interdependence of human rights that was so central to the Vienna Declaration. Developing countries, particularly those which defended the right to development, were accused of emphasizing economic or developmental rights when what they sought to emphasize was the interrelatedness of all human rights.

2. There was a regrettable tendency, to which his delegation had drawn attention in 1995, to use human rights to reinforce the North-South divide, assert a dubious moral superiority and exercise political pressure against many developing countries. His delegation unequivocally condemned all human rights violations, but also believed that developing countries which practiced and safeguarded democracy and human rights under difficult conditions should be encouraged. The Western countries, which lacked a historical perspective on the question, should practice humility and self-examination.

3. There was also a tendency to confuse symptoms of underdevelopment with conscious human rights violations. At the same time there was a reluctance to address the root causes of such underdevelopment in the form of structural reforms for developing countries. More grave and deliberate violations of human

rights, such as the commercial sexual exploitation of children, tended to be dismissed as necessary evil phenomena of the market place. A more efficacious approach should be adopted by addressing the conditions which created situations of misery, conflict and human rights violations.

4. It was necessary to emphasize the relationships between development, democracy and human rights. In India, democracy and development went hand in hand in a multireligious, multilingual and multicultural society. In that respect, it was significant that certain countries having strong ties with the North had been spared criticism, even though they pursued their development at the expense of democracy and practiced widespread discrimination against women and religious minorities, or committed other serious human rights violations. Such politicization of human rights and the application of double standards simply helped to create cynicism.

5. In the field of human rights, care should be taken to avoid political militancy and to ensure that the carefully established social equilibrium was not disturbed. Confrontation, exclusion and aggressive or terrorist methods would only aggravate the situation and produce fresh violations of human rights. It was therefore essential to adopt a global approach based on the promotion of democracy and the rule of law, as well as on tolerance, respect for pluralism and diversity, human rights education and international cooperation in the economic and social fields.

6. Democracy went hand in hand with development; while democracy provided the best political framework for the safeguarding of human rights, efforts to ensure social and economic rights were also essential to enable people to live in dignity. National institution-building for human rights should likewise be encouraged, as should the promotion through education of a culture of tolerance.

7. Although the Vienna Declaration had identified terrorism as a new form of intolerance and violence and a major threat to the enjoyment of human rights, many Western countries continued to believe that terrorist acts did not fall within the purview of human rights violations. Despite that misguided approach and the zeal with which certain Western countries and organizations seemed to defend the rights of terrorists, his Government was committed to combating terrorism so that India's inhabitants could enjoy their human rights in peace and prosperity.

8. Turning to the report of the United Nations High Commissioner for Human Rights, he said that the High Commissioner should pursue the administrative restructuring of the Centre for Human Rights. It was also crucial that the High Commissioner should have scrupulous regard for his mandate and demonstrate impartiality. Lastly, he urged that the composition of the staff of the Centre for Human Rights and all human rights mechanisms and programmes should reflect a more equitable geographical balance.

9. Mrs. BARGHOUTI (Observer for Palestine) said that the Universal Declaration of Human Rights, the Vienna World Conference on Human Rights and various other human rights instruments had imposed on all States the duty to promote and protect such rights. The exercise of those rights, including the right to development, was a fundamental condition for the establishment of peace,

prosperity and justice in any society. The international community should therefore transform those ideals into concrete action.

10. The worst human rights violations were those committed collectively against a whole people, group, race or ethnicity. In the forefront of the latter were foreign occupation, deprivation of the right to self-determination, different forms of collective punishment and the seizure of a people's natural resources and wealth. All those violations had been committed against the Palestinian people by Israel, the occupying Power. In addition, there were human rights violations carried out against Palestinian individuals, such as detention, summary execution, assassination, obstruction of movement and of means of livelihood, all of which constituted grave violations of international humanitarian law and adversely affected the peace process. All those violations were addressed in detail by the Special Political and Decolonization Committee (Fourth Committee) under agenda item 85, and in the report on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/1996/18), submitted by the Special Rapporteur, with whom Israel had consistently refused to cooperate and with whom, by contrast, the Palestinian side was ready to cooperate, provided that he remained within his designated mandate.

11. The beginning of the peace process and the signing of the Declaration of Principles on Interim Self-Government Arrangements in 1993 had raised hopes that that repulsive image of human rights violations would rapidly disappear. Although the reality was different, the Palestinian people still believed in the peace process. It continued to hope that the situation would change and that a just and comprehensive peace would be established in the Middle East.

12. Mr. FERNÁNDEZ PALACIOS (Cuba) said that, three years after the World Conference on Human Rights and 10 years after the adoption of the Declaration on the Right to Development, some countries were still wondering why that right was not respected, as if that state of affairs was not directly attributable to the persistence of an unjust international economic, political and social order. At the World Food Summit recently held in Rome, which it would have been more appropriate to call the "World Hunger Summit", the rich countries had harped shamelessly on human rights, while destroying food surpluses in order to keep prices high, despite the fact that satisfying one's hunger was a fundamental human right and that the starvation of millions was the most flagrant, massive and systematic violation of the right to life. The rich countries wished to make out that the developing countries were solely responsible for their misfortunes, whereas the former had grown rich by subjecting other peoples to colonization and continued to enrich themselves by maintaining the developing countries in an untenable financial situation.

13. He reiterated his support for the efforts made by the High Commissioner for Human Rights to strengthen United Nations human rights mechanisms. He expressed the hope that the General Assembly would be able to make progress in its consideration of the proposal to restructure the Centre for Human Rights and that it would take due account of the views of all Member States in that regard.

14. As in previous years, some developed countries were turning consideration of human rights and of the reports of special rapporteurs and special representatives into a totally subjective rhetorical exercise. Those countries

acted as though the Committee's work on human rights had no application to themselves, and took it upon themselves to give the countries of the South lessons in good behaviour. Yet in the so-called "first world", xenophobia, racism and fascism had reached dangerous levels, and the situation of human rights was a matter of grave concern.

15. The European Union, for example, had a prison population of over 300,000, including political prisoners and conscientious objectors, and the living conditions of detainees left much to be desired. Allegations of overcrowding in prisons, acts of torture and other cruel, inhuman and degrading treatment or punishment were frequent. In Canada, economic development had brought no benefits to the indigenous populations, who were relegated to the lowest rung of the social ladder and who were particularly disadvantaged in the areas of education, access to employment, health and social security. In Japan and Australia, the situation of minority groups, although less serious, still left a good deal to be desired, and Cuba urged the Governments of those two countries to cooperate more closely with the United Nations human rights mechanisms, and in particular with the Subcommission on Prevention of Discrimination and Protection of Minorities.

16. However, it was in the United States of America, the epitome of a rich and developed country, that the most flagrant violations of human rights were committed and that contempt for human dignity was most apparent. The so-called "American dream" was in fact a nightmare for many sectors of the population, whose rights to food, housing, health and education were purely notional. That was true of minorities, who were the target of the most blatant injustice and discrimination; it was true of the indigenous populations, who were obliged to live in what were euphemistically called reservations and to witness the annihilation of their culture; and it was also true of millions of other disadvantaged persons. However, the best illustration of the situation of human rights in the United States was undoubtedly the existence of a particularly repressive judicial and prison system. More than a million persons, most of them young people, filled the country's prisons, conferring on it the dubious distinction of having the highest rate of imprisonment in the world. Furthermore, according to the United States Department of Justice's own data, the rate of imprisonment was six times higher for black Americans than for whites. If that trend continued, by the year 2010 most black Americans between the ages of 18 and 40 would be in prison or re-education camps. In other words, not only was repression severe, but it was also imposed in a discriminatory and racist fashion, as was the death penalty.

17. But none of those matters was ever raised in the Committee when human rights situations were considered; nor was there any reference to them in the press of the developed countries. The principles of objectivity, non-selectivity and non-politicization that the Committee claimed to uphold were flouted, and the debate on human rights was totally distorted.

18. Mr. MEKDAD (Syrian Arab Republic) said that, contrary to the belief of some countries, not all human rights standards were universally applicable. Dialogue and consensus must be promoted in that regard. The international community should consider the question of human rights impartially and should take account of regional specificities and cultural and religious differences.

19. His country attached great importance to civil, political, economic, social and cultural rights, which were guaranteed under its constitution. It had ratified at least 11 international human rights instruments, including the two Covenants and most of the International Labour Organization's conventions. Democracy was constantly advancing in his country, in compliance with international law and cultural and religious traditions. Citizens exercised their rights in a pluralistic political context, and non-governmental human rights organizations were very active. Furthermore, in the past 25 years the Syrian Arab Republic had made great social strides. Convinced that the country could prosper only if women were able to exercise their fundamental rights and play their proper role in society, it had striven, inter alia, to promote the status of women.

20. As for the human rights situation in the occupied Arab territories, the fact that the international community allowed Israel to continue to hide behind a shield of human rights was a mystery; for the fact was that the Jewish State incessantly violated the fundamental rights of the inhabitants of the occupied Palestinian territories, the Syrian Golan and South Lebanon, using the full panoply of repression: torture, murders, systematic destruction, population displacements, evictions, and so on. It gained nothing by claiming that those who resisted its occupation in order to recover their freedom were terrorists, for thanks to the reports of international and non-governmental human rights organizations, it was well known that Israel violated even the most basic rights of the Arab citizens under its control.

21. The greatest threat to human rights in the world currently arose from the fact that some countries used the human rights issue to interfere in the domestic affairs of other States and to promote their own interests. The Committee must therefore first and foremost reiterate the following principles: all countries must be treated on an equal footing; the racist and inhuman practices of ethnic cleansing, foreign occupation and mass expulsions must be eradicated; fundamental rights, whether civil and political or economic, social and cultural, must be defended with equal zeal; countries must cease to interfere in other States' domestic affairs under the pretext of defending human rights and must cease resorting to coercion; and the special rapporteurs and special representatives and United Nations human rights bodies must take care not to stray from their mandates and must not impose their views on States where questions of sovereignty were concerned.

22. The Syrian Arab Republic valued its cooperation with the United Nations human rights bodies, particularly with regard to the training of experts in that area, and was prepared to continue to work towards a safer, more stable, more prosperous and more peaceful world.

23. Mrs. EDWARDS (Marshall Islands) said that no State could justify the denial of people's basic rights on any pretext whatsoever, whether it was lack of economic development, cultural or historical differences, or sovereignty. Governments should therefore accept constructive criticism, particularly from special rapporteurs and the High Commissioner for Human Rights, and should comply with the requests made of them in Third Committee resolutions.

24. A good deal had been said about cultural diversity and its impact on human rights. The Constitution of the Marshall Islands was unique in that it combined

the social traditions of the Pacific islands with human rights theory, demonstrating that the two were often complementary. Respect for fundamental human rights was deeply embedded in what was called the "Pacific way", a sort of unspoken mutual understanding that meant that respect for the basic rights of all came naturally to the peoples of the Pacific islands and that it was natural for them to seek out dialogue, in other words, to practice democracy, a fact of which they were quite proud. In fact, the Constitution of the Marshall Islands enshrined many of the principles contained in the Universal Declaration of Human Rights. Those principles had not been imposed on them from the outside, but rather reflected their deepest desires.

25. The chance to live and develop in peace and security was priceless. The Marshall Islands therefore shared the anguish of all those throughout the world who were denied that chance. It was meaningless to attempt to broaden the scope of human rights as they were currently defined, when the most basic universal principles were being violated throughout the world every day.

26. Her delegation welcomed the efforts of the Centre for Human Rights to promote understanding of the various international human rights instruments. It was not because the Marshall Islands had some sinister ulterior motives that they had not yet ratified those instruments, but simply that they reached to consider all aspects of the matter, particularly the financial and reporting requirements. They were, nonetheless, actively addressing the issues in the various human rights bodies.

27. Mr. POWLES (New Zealand) said that, despite progress in certain areas, human rights violations were still occurring on a scale that, at times, defied imagination. They were therefore a legitimate concern of the international community.

28. In Nigeria, despite some positive developments, notably the release of some prisoners, the establishment of a commission on human rights and the recent visit by the Commonwealth Ministerial Action Group, of which New Zealand had been a member, the lack of respect for human rights remained the major obstacle on the path to democracy. His delegation hoped that Nigeria would implement in full the recommendations of the Secretary-General's fact-finding mission and would pursue its dialogue with the Commonwealth. He urged the Government of Nigeria to release the many political prisoners still being held.

29. In Myanmar, in the absence of a genuine political dialogue between the State Law and Restoration Council (SLORC) and the opposition, it was very difficult to see any signs of national reconciliation, without which there could be no respect for human rights or economic advancement. As the Special Rapporteur had pointed out, the human rights situation in Myanmar remained precarious. His delegation particularly condemned the recent attacks on leaders of the National League for Democracy. It was also disappointing that the Special Rapporteur had not been able to visit the country. He urged the Government of Myanmar to cooperate fully with the Special Rapporteur.

30. In Africa, recent events in the Great Lakes region, especially in eastern Zaire, were deeply disturbing. The continued fighting in the region posed a threat to the citizens of Burundi, Rwanda and Zaire, particularly to refugees. To facilitate the operations to provide humanitarian assistance in the region,

his Government had just made a special financial contribution of NZ$ 100,000 to the Office of the High Commissioner for Refugees.

31. His delegation had stressed to the Third Committee a year earlier that respect for human rights should be an integral part of any peace implementation process in the former Yugoslavia. While it had to be acknowledged that progress had been made, it was equally evident that human rights violations continued to take place in the former Yugoslavia. His delegation urged all parties to implement the human rights provisions of the General Framework Agreement and to cooperate fully with the Special Rapporteur to ensure that persons indicted by the International Tribunal were brought to trial.

32. The Memorandum of Understanding reached in 1996 between Iraq and the Secretary-General on the implementation of the "food for oil" formula was cause for satisfaction. Nevertheless, the international community must closely monitor the implementation of that agreement and ensure the safety of United Nations personnel involved in the operation.

33. Although the cooperative attitude of Iran towards the Special Representative and its requests for technical assistance were encouraging, the deterioration in the human rights situation in that country in recent months was still a cause for concern. It was regrettable that so much remained to be done in Iran in the area of human rights.

34. The deterioration in the human rights situation in Afghanistan, especially after the fighting in the Kabul area had intensified, was extremely disturbing. His delegation called on all parties to the conflict to ensure that the basic rights of all Afghans, particularly those of women and girls, were fully respected.

35. As the Special Representative had noted, the situation in Cambodia remained fragile. Cambodia must strengthen its judicial system, making a special effort to ensure that the system was independent. His delegation supported the recommendations of the Special Representative on the need to establish a legislative framework for the holding of free and fair elections. His Government had been privileged to make a contribution in that area.

36. His delegation attached high priority to regional arrangements, especially in the region of Asia and the Pacific. He welcomed the success of the First Asia-Pacific Regional Workshop of National Human Rights Institutions, held in Darwin, Australia, earlier in the year. The meeting had resulted in a decision to establish an Asia-Pacific forum for human rights institutions. His Government had taken part in that initiative, thereby demonstrating its active interest in establishing strong national human rights institutions. Several countries in the Asia-Pacific region had recently established such institutions or were in the process of doing so, which was a welcome development. Such institutions had a constructive role to play in the Commission on Human Rights.

37. His Government supported efforts to strengthen those institutions through its contribution to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. It was also trying to strengthen legal and administrative institutions in the countries of the region, thereby encouraging respect for human rights, through its official development assistance (ODA)

programme. His delegation was quite convinced that, as a result of such initiatives, human rights would become less an area of discord and increasingly one of cooperation and interaction.

The meeting rose at 11.20 a.m.